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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,634	11/29/2001	Benjamin V. Smith	BS01-123	1657

28970 7590 04/08/2004

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EXAMINER
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LE, KAREN L

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,634

Applicant(s)

SMITH, BENJAMIN V.

Examiner

Karen Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. This action is in response to applicant's response filed on January 5, 2004. Claims 1-38, are now pending in the present application. **This action is made non-final.**

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayduk et al. (U. S. 5,870,452r).

Regarding claims 1-5, 7, 13-14, 20-21, 25, 29-31, 33 and 36, Hayduk teaches a subscription code service (\*69) comprising a lookup table (Col. 1, line 59-61) having one telephone number associated with one subscription code (Col. 1, line 43-61), wherein the subscription comprises at least one character (\*).

Hayduk does not teach the subscription code comprises at least three digits with the number of digits not exceeding five. However, Hayduk teaches the subscription code comprises 2 digits. The subscription code comprises at least three digits with the number of digits not exceeding five. This means the subscription code comprises 3, 4, 5 digits. Subscription code that has 3 digits operates the same as one that has 4 or 5 digits. Similarly, subscription code that

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has 2 digits operates the same as on that has 3 or 4 or 5 digits. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a subscription code comprise at least two or more digits to complete the call. In addition, when subscription code has more character it would be easy to have catchy word. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the characters represent a catchy word, which characterizes the subscriber.

Hayduk further teaches a routing device (Fig. 1, item 14 or 16) in communication with the lookup table (Fig. 1, item 16), wherein when a call initiated by a caller (Fig. 1, item 10) using the subscription code (\*69) is received by the routing device, the routing device retrieves the telephone number from the lookup table, and wherein the routing device terminates the call to a subscriber of the subscription code according to the telephone number (Col. 1, lines 50-61).

Hayduk further teaches presenting to the caller a list of subscribers associated with the subscription code, receiving one telephone number chosen by the caller, and terminating the call using telephone number (Col. 1, lines 50-61).

Regarding claim 6, Hayduk further teaches the routing device is a local switch (Fig. 1, item 12 or 19).

Regarding claim 8, Hayduk further teaches the associating means comprises a database (Fig. 1, items 16 and 17).

Regarding claim 9, Hayduk further teaches the detecting means uses a local switch (Fig. 2, item 12).

Regarding claims 10, 15-19, 22-24, 26-28, 32 and 34-35, Hayduk further teaches the database contains subscriber rules related to which of the at least one subscriber telephone number should be retrieved by the service control point. The subscriber rules are based at least in part upon an originating region (point code, an NPA-NXX, zip code) within which the caller is located, upon a time, a solicitation of a choice from the caller (Col. 1, lines 25-30; lines 50-57).

Regarding claim 11, Hayduk further teaches terminating means uses a local switch (Fig. 1, item 19).

Regarding claim 12, Hayduk further teaches retrieving means and the terminating means are one dedicated switch (Fig. 1, item SSP).

Regarding claims 37 and 38, Hayduk further teaches the presenting step involves a prerecorded announcement, and the presenting and receiving steps are performed by one or both of a service node and the service switching point (Fig. 1, items 12, 14 and 16).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive


Arlington, VA 22202

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Karen Le  
KLL  
April 1, 2004

  
JACK CHIANG  
PRIMARY EXAMINER